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OVER PRIOR PATENTS AND TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

600.36172VC4

In re Application of: Yasuko FUKUZAWA et al.

Application No.: 10/663,666

Filed: September 17, 2003

For: HETEROGENEOUS COMPUTER SYSTEM, HETEROGENEOUS INPUT/OUTPUT SYSTEM AND DATA
BACK-UP METHOD FOR THE SYSTEMS

The owner*, HITACHI, LTD., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patents No. 6,098,129, No. 6,529,976 B1, and No. 6,721,841 B2, and as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application Number 10/663,662, filed on September 17, 2003, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, the prior patents No. 6,098,129, No. 6,529,976 B1, and No. 6,721,841 B2, and the second pending application 10/663,662 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, as presently shortened by any terminal disclaimer, and of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent granted, in the event that any such patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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10/15/2004
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MELVIN KRAUS, Reg. No. 22,466

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